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assigning at least a portion of said tax refund amount to a third party selected by said taxpayer;

transferring said at least a portion of said tax refund amount to an account for said third party; and

providing a dedicated spending vehicle to said taxpayer in an amount related to the tax refund amount assigned to said third party.

REMARKS

Claims 1-15 and 17-20 are pending in the application. The Examiner has rejected claims 1-15 and 17-20. Applicant has amended claims 1, 2, and 11 to more clearly define the present invention. Reconsideration of the above-identified application is respectfully solicited on behalf of the Applicant.

Claim Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 1-10 under 35 U.S.C. § 101 because the claimed subject matter is directed to non-statutory subject matter. Applicant has amended claim 1 to indicate that the tax return is in electronic form. Applicant respectfully submits amended claim 1 overcomes the Examiner's rejections.

Claim Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1-15 and 17-20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which Applicant regards as the invention. Specifically, the Examiner has stated in claim 1, the tax return is not specified as being electronic. Applicant has amended claim 1 to indicate that the tax return data is in electronic form. Applicant respectfully submits that amended claim 1 overcomes the Examiner's rejections.

The Examiner has further stated that in claim 17, there is nothing patentable about obtaining data from a governmental body. Claim 17 indicates that the electronic tax return data is obtained from a federal taxing authority *form*, not from a federal taxing authority. In addition to obtaining electronic tax return data from a federal taxing authority form, electronic tax return data may be obtained from forms developed by other parties. Some tax preparation software packages use their own forms to collect data from the taxpayer. The data is then reformatted for submission to the federal taxing authority. Applicant respectfully submits therefore, that claim 17 patentably defines the invention by distinguishing between electronic tax return data that may be obtained from a federal taxing authority form and a third party form.

Finally, the Examiner has stated that in claim 2, it is not clear what an e-wallet is. Applicant has amended claim 2 to reference an e-wallet account. An e-wallet account is a type of spending vehicle. E-wallet is a computer industry term for a device (typically a handheld device or organizer) that allows a person to enter and organize personal information such as credit card numbers, debit card numbers, etc. In accordance with the present invention, an e-wallet account is an account number that may be stored in an e-wallet device and used by a taxpayer to make purchases. Applicant respectfully submits that amended claim 2 overcomes the rejection.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over Longfield. It is the Examiner's position that a credit institution is a spending vehicle provider because it is in the business of lending money which ultimately leads to spending by the person who obtains the loan. The Examiner has further rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Longfield in view of Hagemier. It is the Examiner's position that it would be obvious to combine the tax refund system of Longfield with the credit card of Hagemier to obtain the present invention. The Examiner has further stated that Hagemier discloses combining a credit card with a tax crediting vehicle so that the credit obtained from the taxing system may be used toward purchases of products using the credit card.

Applicant has amended claims 1 and 11 to indicate that the present invention is dedicated spending vehicles that are offered by spending vehicle providers to get taxpayers to spend their tax return money at the business of the spending vehicle provider. In view of Applicant's amended claims, Applicant respectfully traverses the rejections.

Longfield discloses a system for obtaining a loan only after an electronic deposit/loan account is created for the tax filer at an authorized credit institution. Longfield does not offer the taxpayer choices in the form of buying power at the business of the spending vehicle provider by dedicating the spending vehicle to purchases made at the provider's business. More importantly, Longfield does not

teach or even suggest that taxpayers should have any options other than obtaining a loan through an authorized credit institution. Hagemier teaches a method for tracking purchases to determine whether a value-added tax (VAT) is due to a taxing authority. If no VAT taxes are owed to the country from which the purchaser is departing, the purchaser may obtain a credit for the VAT taxes that the purchaser has paid with each purchase. Hagemier does not offer the taxpayer dedicated spending vehicles offered by different spending vehicle providers. As with Longfield, Hagemier does not offer the purchaser choices.

Longfield discloses a system for obtaining a tax refund and Hagemier discloses a system for obtaining a tax credit. Neither reference alone nor in combination suggests that taxpayers should be given dedicated spending vehicles. Neither reference alone or in combination discloses a system or method in which spending vehicle providers may participate and offer dedicated spending vehicles to taxpayers. With Applicant's invention, spending vehicle providers as well as taxpayers benefit. Taxpayers are given choices plus they may gain extra buying power at the businesses of the spending vehicle providers while the providers may experience increased sales or revenues when taxpayers select their spending vehicles. Bank loans and tax credits can be spent anywhere by the taxpayers who receive them. Dedicated spending vehicles are dedicated to particular businesses or are for particular purposes. As a result, the spending vehicle providers as well as the taxpayers benefit.

Applicant respectfully submits the above claim amendments and remarks overcome the Examiner's rejections. Applicant respectfully submits that claims 1 and

11 patentably define the present invention and that claims 2-10 and 12-15, 17-20 which depend from claims 1 and 11 respectively further define the present invention and are allowable as written. In light of the above remarks, it is respectfully submitted that the present application is now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

1. (Three Times Amended) A tax refund system, comprising:
 - electronic tax return data for a taxpayer, said electronic tax return data comprising a tax refund amount;
 - an assignment of at least a portion of said tax refund amount to a spending vehicle provider;
 - an account for accepting an electronic transfer of said at least a portion of said tax refund amount, said account established in accordance with said assignment;
 - and
 - a dedicated spending vehicle issued by said spending vehicle provider ~~independent of a bank loan agreement on behalf of said taxpayer~~ in an amount related to said at least a portion of said tax refund amount.
2. (Three Times Amended) The system of claim 1, wherein said spending vehicle is consisting of one of the following: a credit card, debit card, gift card, cash card, checking card, checking account, coupon, voucher, rebate certificate, discount, discount certificate, spending account, electronic spending account, and e-wallet account.
11. (Three Times Amended) A method of providing a tax refund amount to a taxpayer, comprising:

obtaining electronic tax return data, said electronic tax return data comprising a tax refund amount;

assigning at least a portion of said tax refund amount to a third party selected by said taxpayer;

transferring said at least a portion of said tax refund amount to an account for said third party; and

providing a dedicated spending vehicle ~~independent of a bank loan agreement~~ to said taxpayer in an amount related to the tax refund amount assigned to said third party.